IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 134 OF 1999

1. The Village Panchayat
of Curti-Khandepar,
through its Sarpanch,
Ms. Sunita Anta Gaude,
having office at Haveli,
Curti, Ponda, Goa, and

2. Ms. Sunita Anta Gaude,
r/o Curti-Khandepar,
Ponda - Goa. ... Petitioners

Versus

1. State of Goa, through its
Chief Secretary, having
office at Secretariat,
Panaji, Goa,

2. The Chief Engineer, Public
Works Department, Government
of Goa, Altinho, Panaji, Goa,

3. The Ponda Municipal Council,
through its Chief Officer,
having office at Ponda, Goa,

4. The Goa Pollution Control
Board, through its Member
Secretary, having office at
Patto, Panaji, Goa, and

5. The Comunidade of Curti,
through its Attorney, having
office at Curti, Ponda, Goa. ... Respondents.

Shri M. S. Sonak, advocate for the petitioners.

Shri A.N.S. Nadkarni, Advocate General with Shri H. R. Bharne, Government Advocate for the State.

Shri N. N. Sardessai, advocate for respondent no.3.

CORAM : SMT. NISHITA MHATRE &
P. V. HARDAS, JJ.

DATE : 4th February, 2004.

ORAL JUDGMENT (Per Hardas, J.)

The Village Panchayat of Curti-Khandepar being

concerned with the nuisance, health hazard and environmental hazards being caused on account of dumping of garbage in survey no.4/0 of Curti-Khandepar, Goa, have filed the present petition. The petitioners seek the following reliefs from this Court:-

> (i) To withdraw the Notification dated 4/3/1999 (EXHIBIT 'I') to this petition;
>
> (ii) To stop the dumping of garbage at Survey no.4/0, Curti-Khandepar, Ponda, Goa, within reasonable time as may be fixed by this Hon'ble Court; and
>
> (iii) To take appropriate action to abate the nuisance and pollution caused by the Ponda Municipal Council by way of dumping of garbage and filth at the proposed site;"

2. In respect of prayer Clause (i), Shri Sonak, learned counsel appearing on behalf of the petitioners has placed on record a Government Notification dated 8th October, 1999, withdrawing the earlier Notification dated 4th March, 1999, at Exhibit 'I' to the petition. In view of the withdrawal of acquisition, Shri Sonak, learned counsel appearing on behalf of the petitioners, states that the petitioner is not pressing for the relief as stated in prayer Clause (i).

3. In respect of reliefs at prayer Clauses (ii) and (iii), in the affidavit of Shri S. P. Masurkar, Chief Officer of respondent no.3, Council, it is stated that the respondent no.3 has acquired an alternate site at Kerai - Khandepar village, Ponda, Taluka. It is further stated that

shifting of the dumping site at Kerai-Khandepar cannot be done immediately as certain works will have to be carried out before the new site is used as a dumping site for garbage. It is submitted that a period of ten months may be granted for shifting the dumping site. In paragraph 7 it is stated that the respondent no.3 would continue the dumping of the garbage at the present site and would do so observing the interim directions issued by this Court dated 5th May, 1999. This Court by its Order dated 5th May, 1999, had directed respondent no.3 that while dumping garbage a distance of minimum 20 metres from the water pipe line would be maintained. An undertaking to this Court was also given. We continue the said undertaking till such time as respondent no.3 shifts the dumping of garbage to an alternate site at Kerai, Khandepar. We feel that a period of ten months, as prayed, is a reasonable period within which the respondent no.3 should shift to the new site from the present site.

4. In view of this, nothing survives in the petition. It is however, directed that respondent no.3 shall observe the directions issued by this Court at paragraph 7 of the Judgment dated 30th July, 2003 in Writ Petition No.417/2002 and 28/2003 when the site at Kerai-Khandepar is being used for dumping of the garbage.

5. With the above directions, this Writ Petition is disposed of in the above terms, with no order as to costs.

SMT. NISHITA MHATRE, J.

P. V. HARDAS, J.

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